

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ORDER

On August 23, 2004 Movant filed an amended § 2255 claim which was denied by the Court on December 2, 2004. The denial was filed in both the civil case as well as the criminal case, S.U. v. Elbert D. Ellis, 4:03CR157-SNL.

Movant has refiled a claim under the current case number, setting out almost identical claims that were previously denied by this Court. There is nothing new added in the current request.

Since this matter has previously been adjudicated, this claim should also be dismissed.

IT IS THEREFORE ORDERED that Movant's current claim, filed under 28 U.S.C. § 2255, is **DENIED**.

IT IS FURTHER ORDERED that the request for appointment of counsel is also **DENIED**.

Dated this 17th day of August, 2005.

Stephen T. Limbaugh
SENIOR UNITED STATES DISTRICT JUDGE